

REMARKS

This amendment is filed in response to the Office Action dated October 7, 2004. In view of this amendment, this application should be allowed and the case passed to issue.

No new matter is introduced by this amendment. New claim 19 is supported by the specification at page 14, lines 17 to 19.

Claims 11, 12, and 19 are pending in this application. Claims 11 and 12 are rejected. Claims 1-10 and 13-18 were canceled. Claim 19 is newly added.

Claim Rejections Under 35 U.S.C. § 102

Claims 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Norman et al. (U.S. Pat. No. 5,424,560). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the invention as claimed and the cited prior art.

An aspect of the invention, per claim 11, is an organic electroluminescent device, which comprises a pair of electrodes and a layer structure provided between the paired electrodes. The organic electroluminescent device includes an emission layer and at least one organic layer in contact with the emission layer. The organic layer comprises a fluorescent material having an absorption peak wavelength shorter than a peak wavelength of luminescence emitted from the emission layer.

The Examiner asserted that Norman et al. disclose an organic electroluminescent device which comprises a pair of electrodes 13, 40 and a layer structure provided between the paired electrodes and including an emission layer 15 and at least one organic layer in contact with the emission layer wherein the organic layer comprises a fluorescent material having an absorption peak

that **may** be longer or shorter than a peak wavelength of luminescence emitted from the emission layer (emphasis added).

Norman et al., however, do not anticipate the claimed invention. Norman et al. teach an organic LED array wherein each emission element includes electrodes 13 and 30, 35 or 40 and an electron transport layer 14 formed on electrode 13, and organic layers 15, 20 and/or 25 provided between the electron transport layer 14 and the other electrode 30, 35 or 40. The organic layers 15, 20 and 25 are those layers for different color emissions and are similar to one another in structural arrangement. Norman et al. disclose that an organic layer 14 includes one or more layers of polymers or low molecular weight organic compounds and that the organic materials that form layers 14 are chosen for their combination of electrical, luminescent and color properties, and various combinations of hole transporting, electron transporting and luminescent materials can be used (column 3, line 21 *et seq.*). Norman et al. further disclose a list of some possible examples of materials for the organic layer or layers 15, 20 and 25 of the above-described organic LEDs (column 5, lines 46-66). Examples of organic single layers disclosed include polymers such as PPV, PPP and MEH-PPV. 8-hydroxyquinoline aluminum (ALQ) is disclosed as an electron transporting electroluminescent layer, butyl-PBD is disclosed as an electron transporting material, and TPD and 1,1-bis(4-di-p-tolylaminophenyl)cyclohexane are disclosed as hole transport materials. Finally, a fluorescent that may be used as a single layer or as a dopant to an organic charge transporting layer is taught, such as coumarin 540 and a wide variety of fluorescent dyes.

As is apparent from the teachings of Norman et al., the fluorescent is used as a single organic layer or as a dopant to an organic charge transporting layer. Norman et al. do not disclose a combination of an emission layer and at least one organic layer in contact with the emission layer wherein the organic layer comprises a fluorescent material having an absorption peak wavelength

shorter than a peak wavelength of luminescence emitted from the emission layer, as required by claim 11.

The incorporation of the fluorescent material significantly improves the durability of the resulting EL device. Norman et al. also fail to teach improved durability of an EL device by addition of a fluorescent. In addition, Norman et al. teach the possibility of a fluorescent being used as a single layer. Clearly, the present invention's use of a fluorescent material is distinguishable from that of Norman et al.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). That burden has not been discharged. Moreover, there are significant differences between the claimed invention and the structures disclosed by Norman et al. that would preclude the factual determination that Norman et al. identically describe the claimed invention within the meaning of 35 U.S.C. § 102. Because Norman et al. do not disclose an organic electroluminescent device comprising an emission layer and at least one organic layer in contact with the emission layer wherein the organic layer comprises a fluorescent material having an absorption peak wavelength shorter than a peak wavelength of luminescence emitted from the emission layer, as required by claim 11, Norman et al. do not anticipate claim 11.

Applicants further submit that the instant claims are not suggested by Norman et al.

Dependent claim 12 is allowable for at least the same reasons as claim 11 and further distinguish the present invention. Claim 12 further requires that the at least one organic layer includes two organic sub-layers wherein the fluorescent material is present in one of the sub-layers not in contact with the emission layer. Norman et al. do not suggest the claimed invention with these additional limitations.

Applicants submit that the new claim 13 is also allowable for at least the same reasons as claim 11 and further distinguishes the claimed organic electroluminescent device.

In view of the above remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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